



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Communication of

Docket No.: CC-0308

ALLEN DAVIS ET AL

Date: March 27, 2001

Serial No.: 09/740,760

Confirmation No. 4311

Filed: November 29, 2000

Title: APPARATUS FOR SENSING FLUID IN A PIPE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED TODAY WITH THE UNITED STATES
POSTAL SERVICE AS FIRST CLASS MAIL IN AN
ENVELOPE ADDRESSED TO ASSISTANT
COMMISSIONER FOR PATENTS, WASHINGTON,
D.C. 20231
DATE: March 27, 2001

Commissioner of Patents and Trademarks
Washington, DC 20231
Attn: Initial Patent Examination Division

Sherry B. Holt

Dear Sir:

**PETITION UNDER 37 CFR 1.182 AND
RESPONSE TO THE "NOTICE OF OMITTED ITEM(S) IN
A NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)"**

This is in response to the Notice of Omitted Item(s) in a Nonprovisional Application dated February 28, 2001 received from the Initial Patent Examination Division which stated that "Page 1 of the specification (description and claims)." was omitted.

Applicant contends that the above-noted omitted item was in fact deposited in the Patent and Trademark Office with the nonprovisional application papers and that it is part of CiDRA's normal business practice for submitting an application, that the pages of the application are counted and the number of total pages is recorded on the return postcard. A copy of Page 1, as originally submitted, is attached hereto along with a copy of the return postcard which indicates that there were 21 total pages submitted to the USPTO. As required, a copy of the PTO form "Notice of Omitted Item(s) in a Nonprovisional Application" is enclosed. These facts are stated and declared by Sherry B. Holt in the attached declaration.

Please charge the \$130.00 petition fee to deposit account number 50-0260 which will be refunded when the PTO finds that the above item (Page 1) was in fact received by the PTO. Please charge any additional fee, deficiency or overpayment to Deposit Account No. 50-0260, Order No. CC-0308.

Respectfully submitted,

ALLEN DAVIS ET AL

By

Matthew J. Patterson
Registration No. 41,244

/sbh
CiDRA Corporation
50 Barnes Park North
Wallingford, CT 06492
Telephone: (203) 265-0035 ext. 3350

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APR 02 2001

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/740,760	11/29/2000	Allen R. Davis	CC-0308

CONFIRMATION NO. 4311

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OFFICE OF PETITIONS

FORMALITIES LETTER



OC000000005811855

Matthew J. Patterson
CiDRA Corporation
50 Barnes Park North
Wallingford, CT 06492

Date Mailed: 02/28/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 1 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.


II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



28

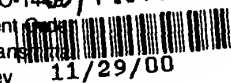
Docket No. CC-0308 Atty MSP Serial No. _____
In re application Apparatus for Sensing Fluid in a Pipe
Title Allen Davis et al

Date mailed: 11/29/00

The following has been received in the PTO on the date stamped hereon:

- | | |
|--|--|
| <input checked="" type="checkbox"/> U.S. Application | <input type="checkbox"/> IDS w/refs & PTO-1449 |
| <input type="checkbox"/> PCT Application w/ attachments | <input type="checkbox"/> Issue Fee / Patent |
| <u>21</u> Pages | <input type="checkbox"/> Drg. Amend / Trans |
| <u>24</u> Claims | <input type="checkbox"/> Power of Attorney |
| <input checked="" type="checkbox"/> Informal Drawing Sheets (3 Sheets) | <input type="checkbox"/> Request for Certificate of Correction |
| <input type="checkbox"/> Formal Drawing Sheets | <input type="checkbox"/> Amendment |
| <input type="checkbox"/> Trans. Letter / duplicate | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Declaration / oath & Power | <input type="checkbox"/> Appeal Brief |
| <input type="checkbox"/> Assignment for Recording w/PTO-1595 | <input checked="" type="checkbox"/> Exp. Mail # <u>EL74937083905</u> |
| <input type="checkbox"/> FWC / duplicate | <input type="checkbox"/> |
| <input type="checkbox"/> Cont. Application | <input type="checkbox"/> |
| <input type="checkbox"/> Div. Application | |

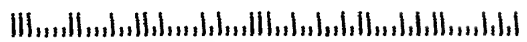
914 U.S. PTO
09/740760



CiDRA Corporation
50 Barnes Park North
Wallingford, CT 06492

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